



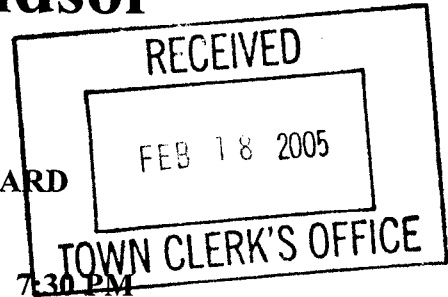
# Town of New Windsor

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OFFICE OF THE PLANNING BOARD



WEDNESDAY — FEBRUARY 23, 2005 7:30 PM  
TENTATIVE AGENDA

CALL TO ORDER

ROLL CALL

## PUBLIC HEARINGS:

1. **NORTH PLANK DEV. CO. (04-34) TEMPLE HILL ROAD (SHAW)**  
Proposed 2- new buildings for office and retail use.
2. **P & J PROPERTIES, LLC (04-33) - MERTES LANE** – Proposed site plan for storage buildings and addition to existing construction building site (**TAROLLI**)

## REGULAR ITEMS:

3. **PATRIOT BLUFF & PATRIOT ESTATES ( 01-65 & 01-66) ADOPT DSEIS SCOPE**
4. **MC DONNELL SUBDIVISION (90-55) DEAN HILL ROAD (HILDRETH)**  
Proposed 2-lot residential subdivision
5. **VAN LEEUWEN SUBDIVISION & LOT LINE CHANGE (05-03) TOLEMAN ROAD (PFAU)** - Proposed 2-lot residential subdivision with lot line change.

## CORRESPONDENCE:

6. **CORNWALL COMMONS SUBDIVISION (00-06)** Request for 6-month extension of preliminary approval which will expire on 2/27/05.

## DISCUSSION

## ADJOURNMENT

(NEXT MEETING – MARCH 9, 2005)

TOWN OF NEW WINDSOR

PLANNING BOARD

FEBRUARY 23, 2005

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN  
NEIL SCHLESINGER  
JERRY ARGENIO  
ERIC MASON  
JOSEPH MINUTA

ALTERNATES: DANIEL GALLAGHER

ALSO PRESENT: MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

MICHAEL BABCOCK  
BUILDING INSPECTOR

MYRA MASON  
PLANNING BOARD SECRETARY

ABSENT: THOMAS KARNAVEZOS

REGULAR MEETING

MR. PETRO: I'd like to call to order the February 23, 2005 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

MR. PETRO: We're going to make number 3 number 7.

PUBLIC HEARINGS:

NORTH PLANK DEVELOPMENT CO. (04-34)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: Under public hearing, we have North Plank Development Company represented by Mr. Shaw. This is proposed two new buildings for office and retail use. The application proposes development of 7,200 square feet and 10,200 square feet building for retail and office use on a 3 acre parcel. Plan was previously reviewed at the 8 December, 2004 planning board meeting. The application is here tonight for a public hearing. For the minutes, I want to state that one of my partners in one of my companies owns this project but I have absolutely nothing to do with it in any manner or any shape or form so therefore, I'll continue to run the meeting. Proceed.

MR. SHAW: Thank you, Mr. Chairman.

MR. PETRO: Turn it to me first, Greg.

MR. SHAW: As you stated earlier, this is a commercial parcel located on the west side of Temple Hill Road, it's 3 acres in size and it's geometric shape is about 200 feet wide by an average of 650 feet deep, butts up against the existing railroad lines of formally Conrail Rail Lines. What we're proposing to install is two commercial buildings, one close to Temple Hill Road, the 7,200 square feet and the second building most remote from Temple Hill Road is 10,200 square feet. The site will be serviced by a new highway entrance off Temple Hill Road. We will need DOT approval for that highway entrance. Both buildings will be connected to the Town of New Windsor water and sanitary sewer system. We'll be bringing in lines into the interior of the building, not only for water service but also

for hydrants and for the sprinkler system. All of the storm drainage drains from the highway towards the rear of the property, and you will notice in the back low portion of the property we have placed our storm water management facilities there to collect and retain the storm water and treat it accordingly. The site has parking which is consistent with the zoning. We have incorporated into the design refuse enclosures to the Town of New Windsor standards and also the site will have adequate lighting throughout, and landscaping and all that information is on record with the board. So that's a brief overview, Mr. Chairman, I will be happy to answer your questions or any question from the audience.

MR. PETRO: Make a couple corrections in the bulk table, do you have a copy of his notes?

MR. SHAW: No, I don't.

MR. PETRO: Very minor in nature but they have to be addressed, just in developmental coverage. Mark, go over with the parking concerns, why don't you just do that?

MR. EDSALL: There were a couple areas that I'm just concerned about cars being in the exposed end where there's not an island, I know we talked about eliminating some of them but I think all the islands are eliminated at this point. I don't think that's a safe way to have the vehicles but it ultimately will be up to the board but I wanted to discuss some of the locations with Greg at the workshop.

MR. SHAW: Yeah, we spoke about that at the previous meeting, it really comes down to the areas which I have striped which are not curbed islands which are east for snow plowing, okay, versus removing the striping and putting in curbing with a planter area which gives the adjacent cars some protection but at the same point in

time becomes more of a maintenance issue during the wintertime for snow plowing and you just touched on it briefly, I don't believe you made a decision as to what was your preference.

MR. PETRO: I think that I had the preference to leave them crosshatched but Mark had a question to have some curbed but not really a hundred percent.

MR. EDSALL: On the rear building you've got two curbed projections sticking out, already to me those create more of a nuisance being in the middle of the parking area than having them at the ends and creating a long pocketed area so you have in one location but not others. So I figured Greg and I would just try to look at it and figure out where they made the most sense.

MR. SHAW: That's fine, Mr. Chairman, we can address that in the workshop.

MR. SCHLESINGER: You have a dumpster?

MR. SHAW: We have two enclosures. For building number one, we have an enclosure here and building number two, I have an enclosure over here.

MR. PETRO: Did we get a response for lead agency.

MS. MASON: Nothing.

MR. ARGENIO: I'll make the motion for lead agency.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the North Plank Development LLC site plan on Route 207 Temple Hill Road. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: We did refer this to Orange County Planning Department, any response yet?

MS. MASON: No.

MR. PETRO: Has it been 30 days?

MS. MASON: No.

MR. PETRO: This application was forwarded to New York State DOT waiting for comment from them, response is pending. Mark, number 6, let's talk about that just for a minute, OCDOH for the water lines, is that necessary? Why do we have to do that for a commercial site here?

MR. EDSALL: Unless Greg can get a determination, otherwise the Health Department years ago made a determination and if there was more than one building with more than one use in the complex it would require submittal to the department. One of the first times it happened was with Blockbuster Video and the muffler shop.

MR. SHAW: Very good memory.

MR. EDSALL: They out of the blue decided it was subject to their review.

MR. PETRO: I don't remember that, I know you're saying it and I believe it to be true.

MR. EDSALL: Greg and I remember it because we both cringed and we haven't had a determination in the other direction yet.

MR. PETRO: I would suggest that he contact them because you have more than one building and certainly going to have more than one user.

MR. SHAW: I think not then I'm going to the health department.

MR. BABCOCK: Can I ask you a question while we're on the water, the two inch domestic service, is there away of shutting that off by itself and not shutting the sprinkler main off that's the two different valves?

MR. SHAW: Yes.

MR. BABCOCK: Okay.

MR. PETRO: In December the storm water pollution prevention would need to be addressed, do you want to go over that with us?

MR. SHAW: Well, I have to prepare a storm water pollution prevention plan in accordance with your new local law, but as I said, all the storm water is going to be moving from Temple Hill Road in a westerly direction towards the railroad tracks as it presently does. We will not be connecting at all into the state discharge system. What we're proposing is a detention facility in the rear of the property which will be consistent with the new storm water regulations. We will be working in some water treatment measures along with it and the culmination that will be the preparation of a report to this board, I believe that's now a requirement for site plan approval.

MR. PETRO: So you're in the process of doing that?

MR. SHAW: Yes, in the process of doing that.

MR. PETRO: When was the notice of public hearing mailed? Fourth day of February 2005, 11 addressed envelopes containing the public hearing notice were mailed. If someone is here who'd like to speak for or against or just make comment for this application be recognized now by the chair, come forward with your name and address and your concerns. Would anyone like to speak?

MR. ARGENIO: Inasmuch as nobody has raised their hand, expressed an interest in commenting on this application I make a motion we close the public hearing.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the North Plank Development LLC site plan on Route 300. Any further comments from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: At this time, I will open it back up to the board members for any comment. Mark, what else do we have for Greg that we really need to go over?

MR. EDSALL: Nothing. As Greg indicated, these issues are being revolved, I don't see any problem proceeding.

MR. PETRO: We took lead agency, we're waiting back for Orange County Planning, we're waiting from DOT and you

February 23, 2005

8

contact the Board of Health.

MR. SHAW: Correct, so I think we've gone as far as we can go tonight. Thank you.

MR. PETRO: Thank you.

P & J PROPERTIES, LLC (04-33)

Mr. Al Mercurio appeared before the board for this proposal.

MR. PETRO: Application proposes storage building and canopy and shed at the existing site. Some additional site modifications are also proposed. The plan was previously reviewed at the December 8, 2004 planning board meeting. He's here tonight for a public hearing, it's in the PI zone, this is amendment of the former Smith and Buhl site plan that was before the board in December, 1988. Moving right along.

MR. BABCOCK: That's when the original building was built.

MR. ARGENIO: The other owners, too.

MR. PETRO: Yeah, I know, I'm just making him feel good. All right, go ahead, tell us what you want to do.

MR. MERCURIO: P & J Properties LLC are the owners of 4.399 acre parcel on the north side of Mertes Lane on the easterly side of New York State Thruway. Proposal before you is for a proposed new 50 x 50 storage building for materials which would be open. There's a note so stated on the map. The board had asked that be to the rear of the site and the canopy building which is also in the center shall not be enclosed. Also proposed 50 x 50 storage building highlighted in orange here which would be enclosed and a proposed concrete slab with a wood frame canopy in blue which again note states that it would not be enclosed. We have had completed application from DEC and they said that they would act upon granting a permit when the SEQRA issue is closed.

MR. PETRO: All right, we had a lead agency

coordination letter mailed out 12/22/04, we have not had any response so I will entertain a motion.

MR. ARGENIO: Motion we take lead agency.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the P & J Properties site plan amendment. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: The fire approval was denied on 12/8/2004, a gate to have a minimum of--

MS. MASON: It was approved later.

MR. PETRO: Withdraw that.

MR. MERCURIO: That was an issue of the gate.

MR. PETRO: I stand corrected, it was approved on 1/9/2005 and it was all to do with what you're taking about with the gate so that issue's revolved. I just want, you have it corrected on the plan, it has also been mailed to the Orange County Planning Department for review. Response is pending. This is a public hearing. I'm going to open it up to the public for comment. On the 4th day of February, 2005, 15 envelopes were mailed. If someone is here who'd like to speak for or against or just make comment for this

applicant, be recognized by the chair, come forward, state your name and address your concerns. Yes, sir?

MR. NAPOLITANO: My name is Frank Napolitano, 62 Mertes Lane. I actually live right next door.

MR. PETRO: You live on Mertes Lane?

MR. NAPOLITANO: Yes, I live right next door to the building you're proposing to build and my concern was this is just a storage facility?

MR. MERCURIO: That's correct.

MR. NAPOLITANO: Okay, so what exactly are you going to be storing?

MR. MERCURIO: A construction business, as you know, you see the operation, it basically will be the same operation, storage of equipment.

MR. NAPOLITANO: Additional trucks?

MR. MERCURIO: Not necessarily trucks but equipment, there's many trucks parked outside so they would be put inside but I can't answer that because I'm representing the owner, I'm not the owner.

MR. NAPOLITANO: My concern was more traffic than is already there.

MR. MERCURIO: I don't, I wouldn't think that there would be any increase in traffic.

MR. NAPOLITANO: Okay.

MR. PETRO: What was it being used for, storage of what?

MR. BABCOCK: Equipment, it's a backhoe dump truck

operation.

MR. PETRO: So what you're saying it's not going to increase traffic because it's already there.

MR. MERCURIO: Right, it's going to be stored outside now.

MR. PETRO: Anything else.

MR. NAPOLITANO: That was it.

MR. PETRO: Thank you.

MR. NAPOLITANO: Thank you.

MR. PETRO: Anybody else? I'll entertain a motion to close the public hearing.

MR. ARGENIO: Make a motion we close the public hearing on P & J.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing on P & J Properties site plan amendment on Mertes Lane. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: At this time, I would open it up back to the board for your comments. You have two or three

issues to take up, you have a copy of Mark's comments?

MR. MERCURIO: Most recent, no.

MR. PETRO: Barrier protection, all tax lots should be properly combined into a single lot, you have to get that completed.

MR. EDSALL: Mr. Chairman, just a note in reviewing the, on the plan the only portion of the site as far as development that was approved was the original building so it should be clear that not only are you considering what's shown on here as proposed but the propane tank, the storage trailers, any outbuildings that exist really occurred in between the last approval and this approval so if you see anything you want to adjust you should.

MR. PETRO: How about setbacks?

MR. BABCOCK: Yeah, they look fine.

MR. EDSALL: They look fine. The only thing I picked up on was protecting the propane tank which the fire inspector might not have seen.

MR. BABCOCK: What's the propane tank used for, do we know?

MR. MERCURIO: I don't know.

MR. BABCOCK: You're not filling cylinders are you?

MR. MERCURIO: Absolutely not. Must be used for heat.

MR. ARGENIO: Mike, on the storage trailers, they're temporary structures cause they don't have footings, is that correct?

MR. BABCOCK: I was going to ask that question, Mr.

Argenio, if these are trailers that he takes from here to job sites with equipment and stuff they're not an issue. If they're storage trailers for the purpose of a building on this lot, they're not acceptable.

MR. ARGENIO: How do you define that?

MR. BABCOCK: Well, we'll have to talk to him, if they have wheels on them and they take them from job site to job site because they use them to hold their equipment--

MR. ARGENIO: Conicks (phonetic) box type thing with no wheels that you have to move on a flatbed you'd have to look at differently.

MR. BABCOCK: That's right.

MR. ARGENIO: The trailer's located on the property line that a note on the plan says they're going to be relocated into the property line, are they subject to setback requirements, Mike, inasmuch as this is, they're quote unquote trailers?

MR. BABCOCK: No.

MR. ARGENIO: I'm asking a question for my own information.

MR. BABCOCK: I'd have to look at them.

MR. ARGENIO: You would have to classify them in your mind.

MR. EDSALL: We have always treated them if they're considered vehicles they would have to be in a parking area that this board would approve, same as you would approve storage areas and everything else.

MR. MERCURIO: There are wheels on the trailers.

MR. EDSALL: They're showing where they're going.

MR. BABCOCK: That's what I thought, he has equipment and he takes them from job site to job site so--

MR. MERCURIO: Right.

MR. PETRO: These trailers are by your house, Frank?

MR. BABCOCK: No.

MR. PETRO: Do you ever see them go in and out?

MR. NAPOLITANO: Trailers?

MR. PETRO: Yeah.

MR. NAPOLITANO: They're mobile.

MR. PETRO: Sometimes they're there, sometimes they won't be.

MR. NAPOLITANO: Right.

MR. BABCOCK: No more than the dump truck or taking a long trailer that he moves his equipment with.

MR. PETRO: Okay, application should advise the progress of the wetlands permit.

MR. MERCURIO: We have a completed application but before DEC would give a permit, they'd have to have the SEQRA issue closed by the board, I believe you have a letter from DEC sent to you.

MR. EDSALL: I see no reason why you couldn't consider a negative dec.

MR. PETRO: Motion to that effect.

MR. ARGENIO: I'll make the motion for negative dec.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec for the P & J Properties site plan amendment on Mertes Lane. Any further discussion? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. SCHLESINGER: Mark, I have a question on the building that has a fixed roof and these are open buildings, does the parking have to be a certain requirement for that?

MR. EDSALL: When they're open storage, there's not a parking requirement assigned to open storage.

MR. SCHLESINGER: Okay, just--

MR. EDSALL: Basic covered storage.

MR. SCHLESINGER: Whether it be for storage or any other reason?

MR. EDSALL: Well, it does make a difference because if it was a warehouse enclosed we'd have a parking requirement. If it was a pavilion for public gathering, we'd have parking because it had seating and a function but for just covering outside storage we don't, that isn't addressed.

MR. SCHLESINGER: In other words, not only is the structure, it has to be what the use is for parking.

MR. EDSALL: Exactly.

MR. PETRO: I would suggest you get a copy of Mark's comments, just clean them up a little bit on the plan, you're pretty well there, I would say that the fresh water wetlands permit should be here and should have it in our file, getting the property combined into a single deed lot, that needs to be addressed and done, the barrier protection around the propane tank and I would do that through specific requirements to the fire inspector's office, not just us saying put up a couple of lolly columns in front of it, I think we went over the trailers enough to understand what that's about and that's not a problem. And the Orange County Planning Department their review should be here or not here by the next time you come, therefore, we can bypass it. Thank you.

MR. MERCURIO: Thank you.

CORRESPONDENCE:

CORNWALL COMMONS SUBDIVISION (00-06)

MR. PETRO: Cornwall Commons subdivision, request for 6 month extension of preliminary approval which will expire on 2/27/05, it's basically that simple. Due to the size and scope of the project, it is next to impossible to obtain all the necessary approvals from all the involved agencies within the timeframe allotted, therefore, I respectfully request that the board extend preliminary approval for additional six months to run from February 27, 2005 to August 27, 2005. Thank you. Any problem with that, Mark?

MR. EDSALL: I think it's a reasonable request.

MR. PETRO: Gentlemen, any problems? Entertain a motion for 6 month extension.

MR. MASON: So moved.

MR. SCHLESINGER: Second it.

MR. MASON: Motion has been made and seconded that the New Windsor Planning Board grant 6 month extension of preliminary approval to the Cornwall Commons subdivision and we'll run it from those dates, check those, make sure they're correct.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. MINUTA	AYE
MR. ARGENIO	ABSTAIN
MR. PETRO	AYE

REGULAR ITEMS: (CONTINUED)

MC DONNELL SUBDIVISION (90-55)

Mr. Bill Hildreth appeared before the board for this proposal.

MR. PETRO: Application proposes subdivision of 2.47 acre parcel into two single family residential lots. The plan is before the board for conditional final approval. This project is one of the grandfathered applications. The approval of the project has been delayed over the years while Dean Hill Road realignment dedication was accomplished, as well as the resulting need for a land conveyance from the Town to the applicant to gain frontage on the new road. That explains why you're making two lots out of 2 1/2 acres. The application has been before the board since early 1991.

MR. HILDRETH: Planning board number is 1990 something.

MR. PETRO: Okay, so do I go to you if I want to have something done quickly?

MR. HILDRETH: Probably not. I wasn't involved in it originally, I picked this up at the tail end. The original plan was also for two lots, I brought a copy of it just in case there's a couple people that weren't here 15 years ago when this started. Same scale so from across the room you can see it's basically the same scheme, it's still two lots, the only changes are when this original one was proposed there was no water available so it was wells and sewer. We now have water and sewer available and Dean Hill Road is not developed, that was also an issue that delayed this, Dean Hill has been developed, the Town picked up this piece across Forest Glenn, half of that has now been taken over by the Benedict Pond development and the Town is in contract now with McDonnell to sell them

this portion, so combined it's now 2.4 whatever divided up into two, the previous zoning is what's been--

MR. PETRO: Once you picked up that piece you'll have the adequate frontage on Dean Hill Road?

MR. HILDRETH: Correct, more than adequate, yes. I had no idea where this board stands with SEQRA or anything.

MR. PETRO: We do.

MR. ARGENIO: Start over?

MR. PETRO: No, I know where it is. Planning board will assume lead agency, motion to that effect.

MR. ARGENIO: I'll make a motion we assume lead agency.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the McDonnell minor subdivision on Dean Hill Road. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Planning board has a right to waive the public hearing under discretionary judgment under Section 257-13A of the subdivision regulations whereas we're creating one new lot and it's permitted in the zone, this is R-4?

MR. HILDRETH: R-3.

MR. PETRO: Permitted use in the zone?

MR. BABCOCK: Yes.

MR. PETRO: Creating one new lot, I personally don't believe we need a public hearing, I'll entertain any thoughts from the board members.

MR. MASON: I agree. I'll make a motion to waive the public hearing.

MR. MINUTA: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing under its discretionary judgment for the McDonnell minor subdivision. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: We don't have any wetlands in the area?

MR. HILDRETH: No, the topographic you can see it slopes from left to right across Dean Hill Road frontage.

MR. PETRO: You don't think you'll have a major traffic impact by creating this lot?

MR. HILDRETH: We're across the street from 100 lot subdivision, I don't think so.

MR. PETRO: So I'll entertain a motion for--

MR. ARGENIO: Motion we make a negative dec under the SEQRA process for the McDonnell subdivision.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec under the SEQRA process for McDonnell minor subdivision on Dean Hill Road. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Mark, is there any reason we can't go forward with this for now?

MR. EDSALL: No and I was hopeful that we'd be able to close out this old application, comment 3 lists three recommended conditions.

MR. PETRO: We have fire approval on 12/5/1990, it's from the old plan.

MR. ARGENIO: Any business with Henry with the driveway culverts or anything?

MR. PETRO: Has fire seen this?

MR. EDSALL: I added a note to Mr. Argenio as pursuant to some discussions with Mr. Kroll.

MR. ARGENIO: I see it, Mark, note should be added to the plan stating details for the construction of the--driveway access will be in accordance with the driveway superintendent.

MR. HILDRETH: Can I do this verbatim, that's what you want?

MR. EDSALL: Yes.

MR. ARGENIO: Whatever he needs he's going to get.

MR. PETRO: You realize that the conveyance of the land to the Town of New Windsor is a necessity before I sign the plans?

MR. HILDRETH: Yes and everybody else does and contracts are in the hopper, they're going back and forth. I have correspondence from the applicant's attorney.

MR. EDSALL: Just so the record is clear, I spoke with Mr. Crotty and he felt that it would be appropriate for the board to move forward, just have this as a condition.

MR. PETRO: Okay.

MR. ARGENIO: I'll make a motion for final approval subject to Mark's three bullets, completion and conveyance from the Town of New Windsor to the applicant, the note I just read about the highway superintendent and the payment of all fees, subject to those three items.

MR. SCHLESINGER: Second it

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the McDonnell minor subdivision on Dean Hill Road with the

three subject-tos that Mr. Argenio just read into the minutes. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

VAN LEEUWEN SUBDIVISION - LOT LINE CHANGE (05-03)

Ms. Barbara Burger appeared before the board for this proposal.

MR. PETRO: Proposed 2 lot residential subdivision with a lot line change.

MS. BURGER: My name is Barbara Burger, I'm from Pietrzak and Pfau, I'm not an engineer, I'm here tonight because of scheduling conflicts and more planning board agendas tonight than engineers available. I just received the comments from Mr. Edsall, frankly, I'm not prepared to answer probably most of them since there are some items that need to be added onto the plans. So the only thing that I would ask you is if you would make a determination at this point with regard to a public hearing.

MR. PETRO: It's been waived.

MR. EDSALL: I apologize, I wasn't aware of that.

MR. PETRO: It was waived on 12/6/2005, the public hearing, I would suggest that you take a copy of Mark's comments which you have, bring them back to the engineering office, have them implement it on the plan, go over with Mark anything you need to go over and we'll see you at the next meeting.

MS. BURGER: Very good, thank you.

PATRIOT BLUFF & PATRIOT ESTATES (01-56 & 01-66)

MR. PETRO: Patriot Bluff and Patriot Estates. This is to adopt DSEIS scoping. At this point, the applicant is here. Bill, can you ask him to come in please? You adopt the DSEIS scoping at this time, I'm going to turn the meeting over to Mr. Schlesinger, Mr. Argenio and myself will recuse ourselves from participating in this application and we're going to exit the room at this time. Mr. Schlesinger will do this application and also close the meeting.

MR. MINUTA: Mr. Chairman, I'd like to state for the record I am a resident of Park Hill Drive, however, that in no way impedes my objectiveness for this hearing.

MR. PETRO: So noted in the minutes.

(Whereupon, Mr. Petro and Mr. Argenio left the room and Mr. Schlesinger took over as Chairman.)

MR. SCHLESINGER: Should I call up Mr. Gallagher?

(Whereupon, Mr. Gallagher came up to the board from his alternate position.)

MR. SCHLESINGER: Board notes Mr. Gallagher as taking my spot and I'm moving over to run the meeting. Okay, next on the agenda is the Patriot Bluff - Patriot Estates, adoption of the DSEIS scope. Gentlemen, if you can just state your name.

MR. RUSSO: My name is Anthony Russo, President of Environmental Compliance services here to hopefully receive acceptance of the draft scope. We had met earlier with Mr. Edsall and had gone over some issues which are mostly expressed during a meeting almost just about a year ago and had provided Mr. Edsall with a draft scope as well as basis for the issues now

contained in what we call a final scoping document. So I have not seen any of the latest revisions or additions as yet but we're very much open to hear what the board has to say.

MR. SCHLESINGER: Just to refresh everybody's memory, I think it was about a year ago we had the public hearing and in response to the public hearing the board requested a supplementary DSEIS which we received at the last meeting, correct?

MR. EDSALL: You'll be having a complete document submitted but the first step is to agree to a scope, they submitted a scope, I found some areas where I thought additional information was required. Mr. Russo and I had a meeting with Mr. Shaw, we agreed to those revisions and at the last meeting, we circulated the proposed scope. I have heard no objections or any corrections to be made, so based on that, if the board finds it acceptable, I'd recommend you accept the scope and allow the applicant to proceed with the preparation of the actual document.

MR. SCHLESINGER: Okay, I think that everybody received a copy of it and reviewed it, does anybody have any comments on it?

MR. MASON: I'll make a motion that we accept the DSEIS for Patriot Bluff and Patriot Estates.

MR. GALLAGHER: Second it.

MR. SCHLESINGER: I'll take a roll call on the motion to adopt the DSEIS.

ROLL CALL

MR. GALLAGHER	AYE
MR. MINUTA	AYE
MR. MASON	AYE

MR. SCHLESINGER      AYE

MR. SCHLESINGER: Therefore, I guess we can approve the adoption of the scope then. Anybody else have any more comments?

MR. MINUTA: I do have a comment on this. I just want to put this on the table, as a resident of Park Hill Drive, I do have concern with the intersection of Park Hill Drive and County Route 69 having been in an accident there myself a little over a year ago, I do have concerns with the crest of that hill and I hope that it will be taken into consideration, those problematic issues.

MR. SCHLESINGER: Mark, were those addressed?

MR. EDSALL: That intersection is one of the intersections being evaluated as part of this document.

MR. MINUTA: Very good, that's about all.

MR. SCHLESINGER: Any items up for discussion? Motion for adjournment.

MR. MINUTA: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. MINUTA	AYE

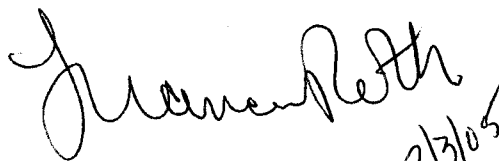
February 23, 2005

29

MR. GALLAGHER

AYE

Respectfully Submitted By:

A handwritten signature in cursive script, appearing to read "Frances Roth". To the right of the signature, the date "3/3/05" is written diagonally.

Frances Roth  
Stenographer